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Attorneys for Defendant  
CAL STATE 9 CREDIT UNION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

KAMLESH BANGA,

Plaintiff,

v.

CAL STATE 9 CREDIT UNION;  
EQUIFAX INFORMATION SERVICES,  
LLC; and Does 1 through 10 inclusive,

Defendants.

Case No. C08-03015 BZ

**DEFENDANT'S NOTICE OF MOTION  
AND MOTION FOR STAY;  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION TO STAY**

Date: September 3, 2008  
Time: 10 a.m.  
Dept.: Courtroom G, 15th Floor  
San Francisco  
Judge: Bernard Zimmerman  
United States Magistrate Judge

**NOTICE OF MOTION AND MOTION FOR STAY**

TO PLAINTIFF KAMLESH BANGA:

PLEASE TAKE NOTICE that on September 3, 2008 at 10 a.m. in Courtroom G of the United States District Court, Northern District, San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California, or as soon thereafter as the matter may be heard, Defendant Cal State 9 Credit Union will move this Court for an order to stay this action.

This motion is made and based upon this Notice, the Memorandum of Points and Authorities in support thereof and the pleadings and any other documents on file, as well as any other evidence produced at the hearing of the matter.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Pursuant to 12 U.S.C. § 1787(b)(12), the National Credit Union Administration Board as  
3 Liquidating Agent for Cal State 9 Credit Union (CS9CU) moves this Court for an order staying  
4 this matter as to all parties for a period of ninety (90) days from the date of entry of such order.

5 1. On June 30, 2006, Defendant CS9CU was placed into involuntary liquidation, and  
6 the National Credit Union Administration Board was appointed Liquidating Agent of the credit  
7 union pursuant to the provisions of 12 U.S.C. § 1787(a)(3). A copy of the Notice of Involuntary  
8 Liquidation and Revocation of Charter is attached as Exhibit A.

9 2. As Liquidating Agent for the Credit Union, the Board succeeded to all right, title  
10 and interest of the credit union by operation of law. *See* 12 U.S.C. § 1787(b)(2)(A).

11 3. The Board as Liquidating Agent is authorized to request a stay of any judicial  
12 action or proceeding to which a credit union in liquidation is or becomes a party. Once such a  
13 stay is requested by the Liquidating Agent, the Court in which the stay is requested must grant the  
14 stay. 12 U.S.C. § 1787(b)(12) provides:

15 **Suspension of Legal Actions.**

16 (A) **In General.**—After the appointment of a conservator or liquidating agent  
17 for an insured credit union, the conservator or liquidating agent may  
18 request a stay for a period not to exceed —

- 19 (i) 45 days, in the case of any conservator; and  
20 (ii) 90 days, in the case of any liquidating agent, in any judicial action  
or proceeding to which such credit union is or becomes a party.

21 (B) **Grant of Stay by all Courts Required.**—Upon receipt of a request by any  
22 conservator or liquidating agent pursuant to subparagraph (A) for a stay of  
23 any judicial action or proceeding in any court with jurisdiction of such  
action or proceeding, the court shall grant such stay as to all parties.

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1 WHEREFORE the NCUA Board as Liquidating Agent for Defendant CS9CU respectfully  
2 requests that this Court enter an order implementing the statutorily required stay of proceedings in  
3 this case with respect to all parties for a period of ninety (90) days from the date of entry of such  
4 order.

5 Dated: July 30, 2008

LOMBARDI, LOPER & CONANT, LLP

7 By: /s/ Leora R. Ragonas  
8 LEORA R. RAGONES  
9 Attorneys for Defendant  
10 CAL STATE 9 CREDIT UNION  
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